DISCUSSION OF INTERVIEW

Applicant's attorney wishes to express his appreciation to the Examiner for the courtesy of conducting a telephonic interview for this application. During this interview, the Applicant's attorney and the Examiner discussed proposed Claim amendments that if entered would overcome the art of record. Applicant submits that he has amended the claims in conformance with this discussion.

REMARKS

In response to the Office Action, Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the following comments.

Discussion of Claim Rejections Under 35 U.S.C. §§ 102(b) and 103(a)

In the Office Action, the Examiner rejected Claim 1 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,785,812 to Botham, Jr. et al. (hereinafter "Botham"). Claims 5-8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Botham in view of U.S. Patent Publication No.: 20001/0001876, to Morgan, et al. (hereinafter "Morgan"). Claims 6-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Botham in view of U.S. Patent No. 6,701,324, to Cochran, et al. and further in view of U.S. Patent No. 5,789,195, to Prihoda, et al. Claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Botham in view of U.S. Patent No. 6,094,721, to Eldridge, et al.

In one embodiment, a public encryption key is associated with a client. In this embodiment, if the client sends a request to a network server for a data file, the server automatically retrieves the public key, encrypts the requested data file using the public key, and sends the encrypted data file to the client. It is noted that they client public and private keys are generated independently of the network server. For example, in one embodiment, the encryption keys are generated based upon input from a user of the client.

Turning to the claims, it is seen that Claim 1 recites, among other limitations: "storing independently of information from the network server a public encryption key and a private encryption key in a client computer system; . . . automatically retrieving said public encryption key from said client computer system, (3) encrypting said data file with said public encryption key in said server automatically and without user intervention." Independent Claims 5 and 8 each recite similar types of limitations.

Botham generally describes a secure and controlled electronic document distribution system. In Botham, a server computer encrypts a data file prior to transmitting the data file to a client computer. *See* col. 4, lines 12-18. Figure 2 of Botham generally describes the process of transmitting files. Notably, in Botham, the server provides to the client encryption data that is used by the client to decode the provided document. *See* Figure 2 state 206; col. 3, lines 45-50.

Applicant respectfully submits Botham fails to teach or suggest the claims, as amended. First, Botham fails to teach or suggest "storing independently of information from the network server a public encryption key and a private encryption key in a client computer system." Botham clearly discloses that the network server provides the client computer the encryption keys. *See* Figure 2 state 206; col. 3, lines 45-50. However, the claims, as amended, require that the public encryption key and public encryption key are stored "independent of information from the network server."

Furthermore, in view that the network server of Botham originally provided the encryption information to the client, Botham also fails to describe or suggest "in response to said request . . . automatically retrieving said public encryption key from said client computer system." Applicant respectfully submits that in Botham that there is no suggestion that the encryption keys of the client be provided from the client to the server. Moreover, Applicant submits that such modification would not make sense in view that the network server provided such encryption keys to the client in the first place. Also, in view of this, there is no suggestion in Botham that encryption keys are provided from the client to the network server "automatically."

In addition, Applicant respectfully submits that Botham fails to describe providing a public/private key system. During the interview, the Examiner maintained her position that that Botham inherently used a public/private key encryption system. The Examiner explained that on col. 2, lines 10-12, states: "[t]he server then digitally signs the document and transmits it to the client." The Examiner stated that "signing" a document inherently requires the usage of a public/private key encryption system. However, Applicant noted that Botham described what is meant by "signing" in the detailed description section. Botham states: "server 102 signs the entire document 120 with a unique signature 122, e.g., appends a unique serial number thereto, at step 218." In view of this, Applicant respectfully submits that the usage of electronic signing in Botham was not intended to encompass the usage of public/private keys but instead is directed to providing unique serial numbers. Thus, Botham does not inherently teach the usage of a public/private key encryption. Applicant respectfully submits that a public/private key approach is antithetical to usage in Botham's system. Applicant submits that in a public/private key system, private keys should not be transmitted over a non-secure communicative channel.

Moreover, Applicant respectfully submits that these limitations are not taught or suggested by the other cited art relied upon by the Examiner. Morgan was cited for describing persistent storage of encrypted data files. Prihoda was relied upon in the Office Action for describing the usage of file attributes. Eldridge was cited for deriving keys using passwords. Eldridge fails to describe automatically using a public key of a client device when a server transmits a data file to the client device. Applicant respectfully submits that since the cited prior art fails to teach or suggest at least the above-listed limitations, these claims are now in condition for allowance.

Summary

Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. In light of the above amendments and remarks, reconsideration and withdrawal of the outstanding rejections is respectfully requested. If the Examiner has any questions which may be answered by telephone, he is invited to call the undersigned directly.

Respectfully submitted,

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